IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 324 of 2007

JEEVAN DASS
V/S
DEVI BAI

Mr. SANDEEP SARUPARIA, for the appellant / petitioner

Mr. JUGAL RANGA, for the respondent

Date of Order : 23.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Mr.Ranga appears for the respondents. Service is complete. At this stage, learned counsel for the appellant submits that the appellant would be satisfied if he is granted reasonable time to vacate the premises, to which learned counsel for the respondent is also agreeable. In that view of the matter, the appeal is dismissed as not pressed. However, the appellant is given one year's time from today to vacate the suit premises on the condition that the defendant gives an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, he will peacefully hand over the vacant possession of the suit premises to the plaintiff and that during this period, he will not, in any manner, transfer the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the

appellant in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the appellant fails to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

(N P GUPTA),J.

/tarun/